

BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

**Westin San Diego
400 West Broadway
San Diego, CA 92101
(619) 239-4500**

Friday, August 3, 2007

The open session meeting was called to order by the President, James McGhee, at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Sharon O'Connor, Ph.D., Vice-President
Ellen Graff, Ph.D.
Jacqueline Horn, Ph.D.
Richard Sherman, Ph.D.
Celinda Vazquez

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Karen Johnson, Licensing/Registration Analyst
Diana Crosby, Administrative Technician

Agenda Item #1 – Administration of Oath of Office to Reappointed Board Members Mr. McGhee and Dr. Graff

Mr. Kahane administered the Oath of Office to Mr. McGhee and Dr. Graff.

Agenda Item #2 – Introduction of New Board Members

Mr. McGhee introduced the Board's two new members, Richard Sherman, Ph.D. and Celinda Vazquez.

Agenda Item #3 – Approval of Minutes for May 4 – 5, 2007 Board Meeting

It was M(Horn)/S(Graff)/C to approve the May 4-5, 2007, open session minutes.

Vote: 6 – 0

Agenda Item #4 – Committee Assignments

Mr. McGhee made the following Committee assignments:

Continuing Education Committee: Dr. O'Connor (Chair), Dr. Graff
Enforcement Committee: Ms. Vazquez (Chair), Dr. Sherman
Credentials Committee: Dr. Graff (Chair), Dr. Horn
Consumer Education Committee: Ms. Vazquez (Chair), Dr. O'Connor

Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response: Dr. O'Connor (Chair)
Examination Committee: Dr. Horn (Chair), Dr. O'Connor, Dr. Sherman
Legislation Committee: Dr. Sherman (Chair), Dr. Horn
Personnel and Board Operations Committee: Dr. Horn (Chair)
Ad Hoc Committee on Prescription Privileges: Dr. Graff (Chair), Dr. O'Connor

9:30 A.M. – Open Session Committee Meetings

The Continuing Education Committee and Enforcement Committee met to discuss and formulate recommendations to the Board.

11:00 A.M. – Open Session Committee Meetings

The Credentials Committee, Consumer Education Committee, and Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response met to discuss and formulate recommendations to the Board.

2:15 P.M. – Open Session Committee Meetings

The Examination Committee, Legislation Committee, Personnel and Board Operations Committee, and Ad Hoc Committee on Prescription Privileges met to discuss and formulate recommendations to the Board.

Saturday, August 4, 2007

The open session meeting was called to order by the President, James McGhee, at 8:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Sharon O'Connor, Ph.D., Vice-President
Ellen Graff, Ph.D.
Jacqueline Horn, Ph.D.
Richard Sherman, Ph.D.
Celinda Vazquez (**arrived at 8:10**)

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Karen Johnson, Licensing/Registration Analyst
Diana Crosby, Administrative Technician

Agenda Item #5 – President's Report – Mr. McGhee

a) New Board Members

Mr. McGhee introduced the Board's two new members, Richard Sherman, Ph.D. and Celinda Vazquez.

b) Board Vacancies

Mr. McGhee asked Mr. Kahane to report on the Board's vacancies. Mr. Kahane stated that the Board currently has three vacant Board member positions. The Governor's office is working on filling two of the vacancies. The other vacancy will be filled by appointment by the Speaker of the Assembly

c) Other President's Informational Items

Mr. McGhee thanked the Board for electing him President at the May Board meeting.

Agenda Item #6– Executive Officer's Report – Mr. Kahane

a) American Psychological Association Midyear Meeting

Mr. Kahane reported that the Board would have a vendor booth for all four days during the upcoming American Psychological Association (APA) convention, to be held from August 17-20, in San Francisco at the Moscone Center. The event is being attended by Robert Kahane, Jeffrey Thomas, and some Board staff.

Mr. Kahane noted that Jeff Thomas, the Assistant Executive Officer, will be attending the Council on Licensing, Enforcement and Regulation (CLEAR) national conference in Atlanta during the first week of September. The Board's attendance this year was within our travel budget with the department. This yearly meeting focuses on contemporary issues in licensing, enforcement and regulation.

b) Web Site Update

Mr. Kahane reported that our new website design was submitted and the most recent information still states the beginning of November for all DCA websites to be functional.

c) Board Office Relocation

Mr. Kahane said that according to the most current construction schedule, the timeline for the Board Office - Howe Avenue relocation to the new Evergreen address is still slated for early December.

d) Staff Changes

Staffing issues continue to be a challenge. The Office Technician position was offered but presently still open. One coordinator continues to be out on leave with no exact return date specified. Another is now on limited work duty.

We are pleased to introduce Deanne Pearce as our new Enforcement Coordinator and also thank her for joining us at the Board Meeting, prior to her actual start date with the Board of Psychology.

e) Other Executive Officer's Informational Items

None.

Agenda Item #7 – Regulations Update

a) Supervised Professional Experience (Non-Mental Health) – Amendments to Title 16, California Code of Regulations section 1387.3

Mr. Thomas reported that the rulemaking file is waiting submission to DCA pending completion of the Economic and Fiscal Impact Statement.

b) California Law and Ethics Examination – Amendments to Title 16, California Code of Regulations sections 1381.5, 1388, 1388.6 and 1392

Mr. Thomas indicated that the final rulemaking has been submitted to DCA. Ms. Marks indicated that some minor changes needed to be made prior to submission to the Office of Administrative Law.

c) Supervised Professional Experience and Registered Psychologists - Amendments to Title 16, California Code of Regulations sections 1387 and 1390.3

Mr. Thomas stated that the final rulemaking file was approved by the Office of Administrative Law and the new regulations became effective May 27, 2007.

Agenda Item #8 – Continuing Education Committee Report

a) 2006/2007 Strategic Plan Update

Dr. O'Connor provided an update of the 2006/2007 Strategic Plan.

b) Continuing Education Statistics

Dr. O'Connor referred the Board to the continuing education statistics which were provided in the meeting packets.

c) Ongoing Discussion of Ways to Improve Continuing Education Requirements

Dr. O'Connor stated that it was decided that the Continuing Education Committee would review the entire continuing education regulations at the next Board meeting, as it has been a number of years since this has been done.

She also discussed a trend in APA toward practice-building continuing education courses. She indicated that future Continuing Education Committee discussions may involve exploring this trend further if they are tied to improvements in services to the consumer.

Dr. O'Connor indicated that a member of the public addressed the Continuing Education Committee regarding requesting an exception for acceptance of non-approved courses. She requested staff to provide relevant regulations and forms for discussion at the next Board meeting.

d) Proposal Regarding MCEPAA Approving Providers Rather than Individual Courses

Dr. O'Connor stated that Dr. Jo Linder-Crow from California Psychological Association provided the Board with several models for continuing education course approval at the last Board meeting. After review of the proposals submitted, Dr. O'Connor stated that the Continuing Education Committee recommends the adoption of Model IV. She indicated that Dr. Linder-Crow will provide the Board with

an implementation plan at the next Board meeting. Dr. O'Connor reminded the Board that this change may require a regulatory change.

e) Report from California Psychological Association (CPA) Regarding Convention Course Feedback

There was no report provided on this item.

f) Discussion of Continuing Education Accrued After Renewal But Prior to Expiration Date Applying Toward Next Renewal Cycle

Dr. O'Connor indicated that the Continuing Education Committee has decided to continue to discuss this issue at next Board meeting.

It was M(Continuing Education Committee)/C to accept the Continuing Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #9 – Credentials Committee Report

a) 2006/2007 Strategic Plan Update

Dr. Graff reported on the following updates to the Strategic Plan:

Goal 2.01 – Status was modified to ongoing. Comments/Suggestions – Prescription privileges, restoration of Medicare reimbursement levels, APA's predoctoral SPE model

Goal 2.02 – Status was modified to ongoing. Comments/Suggestions – Continue to send and track consumer satisfaction survey, more publicity for form to obtain more feedback (only 45 received in past year), licensing analysts to include link to survey in their signatures on emails

Goal 2.03 – Status is in process. This is a staff issue.

Goal 2.04 – Status is in process. This is a staff issue.

Goal 2.05 – This will be an agenda item for the November Board meeting.

Goal 2.06 – This will be an agenda item for the November Board meeting.

b) Satisfaction Survey Results

Dr. Graff indicated that the current results are included in the agenda packets. The Credentials Committee feels it is important to continue to send and track the surveys.

c) Review Plan(s) for Supervised Professional Experience in Non-Mental Health

Applicant K.A.P. – Dr. Graff indicated that further clarification is needed to make a determination on this issue. She stated that if K.A.P. is doing clinical work, then she must meet the requirements of Section 1387. K.A.P. needs to differentiate the number of hours she will be performing clinical work. Staff will send a letter to K.A.P. to obtain clarification.

Applicant S.D.M. – Dr. Graff stated that the Credentials Committee is recommending approval.

d) D.C. – Review of Master’s-Level Courses for Approval Towards Meeting the 48 Semester/Trimester or 72 Quarter Unit Requirement for the Accrual of Predoctoral Supervised Professional Experience

Dr. Graff reported that the Credentials Committee found only 28 units of coursework that can count toward the 48 semester/trimester or 72 quarter unit requirement. She stated that staff needs to determine if some of the Master’s-level courses were accepted by Pacific Graduate Institute. If so, these units can count toward the requirement. If not, the SPE is denied. The Credentials Committee delegated the authority to Dr. Graff to review the information obtained by staff to make this determination.

e) Discussion of Plan(s) and Time Limit(s) for Supervised Professional Experience for Psychological Assistant Registrations

Dr. Graff indicated that staff will revise the psychological assistant application to include a question regarding the type of setting that the psychological assistant will be providing services in (i.e. private practice). A question will also be added to the psychological assistant application and the supervision agreement asking if the SPE will meet the goal of the definition of SPE in section 1387 which states that SPE is defined as an organized program that consists of a planned, structured and administered sequence of professional supervised comprehensive clinical training experiences. SPE shall have a logical training sequence that builds upon the skills and competencies of trainees to prepare them for the independent practice of psychology once they become licensed. Dr. Graff stated that staff will bring drafts of the revised psychological assistant application and supervision agreement to the November meeting.

Dr. Graff stated that staff will also bring draft regulation changes to require psychological assistants who are accruing pre-doctoral supervised professional experience in private practice settings to submit a plan for approval by the Credentials Committee prior to the commencement of the experience.

f) Draft Regulation Language Regarding the California Psychology Internship Council (CAPIC) Post-Doctoral Internship

Dr. Graff reported that the Credentials Committee recommends accepting the draft language and authorizing staff to move forward with the rulemaking process. She indicated that staff will issue a Notice of Proposed Changes for hearing at the November Board meeting.

g) Discussion of the Bureau for Private Postsecondary & Vocational Education (BPPVE) Sunset – Approved Schools

Dr. Graff indicated that AB 1525 was signed by the Governor on July 12, 2007 and continues the approval of private postsecondary institutions for specified purposes until July 1, 2008.

It was M(Credentials Committee)/C to accept the Credentials Committee’s report and recommendations.

Vote: 6 – 0

Agenda Item #10 – Examination Committee Report

a) 2006/2007 Strategic Plan Update

Dr. Horn reported that the emerging issue that the Examination Committee is looking at continues to be non-mental health as a “specialty area” in psychology.

b) Examination Statistics

Dr. Horn indicated that the examination statistics for the months of April, May and June are in the agenda packets.

c) California Psychology Supplemental Exam (CSPE) Update

Dr. Horn reported that the Examination Committee decided to seek out licensed non-mental health practitioners with help from the California Psychological Association, to identify people licensed and practicing in non-mental health areas. She stated that this is a small population, and when occupational analyses are performed, this group tends to get overlooked. She reported that part of the problem has been that many non-mental health practitioners have chosen not to be licensed. Dr. Horn reported that she and Mr. Kahane will be meeting with DCA’s Office of Examination Resources in the future to ask how non-mental health practitioners can be incorporated in future occupational analyses for the purpose of licensing.

d) Discussion of Non-Mental Health Examination Process

Dr. Horn indicated that this issue was discussed in the CPSE update.

It was M(Examination Committee)/C to accept the Examination Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #11 - Enforcement Committee Report

a) 2006/2007 Strategic Plan Update

Ms. Vazquez reported on the following updates to the Strategic Plan:

1.01 – Change status to ongoing. Mr. Kahane will review cite and fine procedures to establish a sliding scale guideline for determining the amount of fine to be levied dependent upon the severity of the violation.

1.02 – Change status to ongoing.

1.03 – Staff to check with the Medical Board of California to determine if they keep track of statistics for unlicensed activity.

1.04 – Consistency in the availability of disciplinary documents on the Board’s website will improve with the conversion to the Board’s new website.

b) Expert Training – Attendance and Alternatives for Expert Qualifications

Ms. Vazquez reported that the last expert training had to be cancelled due to lack of attendance. She stated that there are currently approximately sixty experts. As new Board members, she and Dr. Sherman had many questions regarding the payment, training and retention of expert reviewers. She stated that given the answers they received to their questions, the Enforcement Committee feels strongly that experts should be required to attend (in person) at least one training each year. She stated that the committee will be reviewing the expert training handbook and other appropriate materials to assess and determine any necessary changes for a consistent and contemporary expert program.

c) Enforcement Statistics

Ms. Vazquez referred the Board to the enforcement statistics in their agenda packets. She reported that the Enforcement Committee is looking to clarify the types and severity of the statistical data (i.e. tracking of data, clarity of data, violation type vs. cases, decision vs. practitioners, etc.).

d) Expert Reviewer Nominations

Ms. Vazquez reported that the Enforcement Committee recommends approving the three expert applications received.

It was M(Enforcement Committee)/C to accept the Enforcement Committee's report and recommendations.

Vote: 6 – 0

Ms. Marks recommended, in light of having two new Board members, that the Board consider scheduling a closed session to collectively discuss enforcement cases rather than conducting a mail vote. The Board agreed that this would be helpful.

Agenda Item #12 – Legislation Committee Report

a) 2006/2007 Strategic Plan Update

Dr. Sherman reported that all legislation-related strategic objectives are ongoing except for 5.03 regarding the Sunset Review process which is not going on at the present time.

b) SB 822 (Aanestad & Calderon) – Immunity; Evaluation of Practitioner of Healing Arts

Dr. Sherman reported that SB 822 was signed by the Governor on July 6, 2007. He thanked CPA for their role in the passage of this bill.

c) SB 823 (Perata) – BPPVE Act of 2007

Dr. Sherman stated that SB 823 is currently at Assembly Appropriations. He stated that the Legislation Committee will watch this bill and make sure that nothing is added that would be harmful to consumers.

d) SB 916 (Yee) – Acute Psychiatric Hospital; Patient Detention and Release

Dr. Sherman stated that SB 916 is currently on the Assembly floor, and that there are no issues at this time.

e) AB 249 (Eng) – Licensees; Healing Arts; Settlement Agreements

Dr. Sherman indicated that AB 249 has become a two-year bill which will be held until next year.

f) AB 612 (Ruskin) – Child Custody Evaluations

Dr. Sherman stated that AB 612 is being held until next year.

g) AB 1025 (Bass) – Denial of Licensure

Dr. Sherman reported that the Board is opposed to AB 1025 as well as is DCA. This bill shifts responsibility to the Board rather than licensees/applicants regarding documenting evidence of rehabilitation. Mr. Kahane will send a letter to the author.

h) AB 1367 (DeSaulnier) – Alcohol and Drug Abuse Counselors Licensing Law

Dr. Sherman indicated that AB 1367 has become a two-year bill and is being held until next year.

i) AB 1393 (Leno/Maze) – California Public Records Act; Record Request on Web Site

Dr. Sherman stated that AB 1393 is currently at Senate Appropriations.

j) AB 1405 (Maze) – Juveniles; Joint Assessment of Status; Confidential Information

Dr. Sherman reported that AB 1405 has become a two-year bill and is being held until next year.

k) AB 1475 (Galgiani) – Crime; Child Abuse Reporting

Dr. Sherman indicated that AB 1475 is currently in the Committee on Public Safety.

l) AB 1486 (Calderon) – Licensed Professional Counselors

Dr. Sherman stated that AB 1486 has become a two-year bill and is being held until next year.

m) AB 1525 (Cook) – Bureau for Private Postsecondary & Vocational Education (BPPVE)

Dr. Sherman reported that AB 1525 was signed by the Governor on July 12, 2007.

It was M(Legislation Committee)/C to accept the Legislation Committee's report and recommendations.

VOTE: 6 – 0

Agenda Item #13 – Consumer Education Committee Report

a) 2006/2007 Strategic Plan Update

Ms. Vazquez reported that all strategic objectives are ongoing and that there are currently no major issues that have surfaced around those goals.

b) BOP Mail Monthly Statistics

Ms. Vazquez referred the Board to the BOP Mail statistics that were included in the meeting packets. She stated that there are no significant trends to report.

c) Consumer Outreach

1) Black Expo

Ms. Vazquez reported that Mr. Kahane and Mr. Thomas had a vendor booth at the Black Expo in Oakland, CA, on July 14, 2007. She reported that the Board may not be attending this event next year due to lack of focus on health-related issues.

2) California State Fair

Ms. Vazquez reported that Board of Psychology staff will be working at the DCA booth at the 2007 California State Fair.

3) Medical Board Distribution of Board of Psychology Consumer Pamphlets

Ms. Vazquez indicated that the Medical Board continues to distribute Board of Psychology consumer guides to the numerous health-related events that they attend.

d) BOP Update

Ms. Vazquez indicated that during 2008, the Board intends to distribute smaller and more timely versions of the BOP Update.

e) Web Site Statistics

Ms. Vazquez referred the Board to the website statistics in their meeting packets.

f) California Psychological Association Proposal for a Board of Psychology Conference on Diversity

Ms. Vazquez reported that Mr. Kahane will meet with Dr. Jo Linder-Crow and Dr. Miguel Gallardo from CPA regarding a CPA proposal for a Board of Psychology conference on diversity.

It was recommended that the name of the Consumer Education Committee be changed to the Outreach and Consumer Education Committee to more accurately reflect the committee's functions.

Ms. Vazquez reported that she and Mr. Kahane will possibly be visiting university counseling centers to ensure that students are receiving current and accurate information.

It was M(Consumer Education Committee)/C to accept the Consumer Education Committee's report and recommendations.

Vote: 6 – 0

Agenda Item #14 – Personnel and Board Operations Committee

a) 2006/2007 Strategic Plan Update

Dr. Horn reported that the committee is currently just monitoring the Strategic Plan and is not introducing anything at this time. She stated that at the next meeting, however, the committee will need to focus on developing a plan for data gathering and reporting. The committee wants to take a look at the feedback system for EO evaluation.

It was M(Personnel and Board Operations Committee)/C to accept the Personnel and Board Operations Committee report and recommendations.

VOTE: 6 – 0

Agenda Item #15 – Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response Report

a) Information Gateway and Links on Web Site

Dr. O'Connor reported that a year ago, the Board invited Denee Lougeay, California Psychological Association's Disaster Response Coordinator, to speak with the Board.

She additionally reported that the information gateway is not flowing yet. However, she has written a related article concerning disaster training for psychologists that will be in the next BOP Update. She mentioned additional resources for psychologists to assist in a disaster through "Give an Hour" and "Psych2K" as some of the assistance programs through which psychologists can volunteer.

b) AB 64 (Berg) – Uniform Emergency Volunteer

Dr. O'Connor stated that this bill looks very good. The committee recommends that the Board support this bill. The committee requested Mr. Kahane to submit letter of support to the author. She also requested that in Mr. Kahane's letter, he request that the term "reasonable person" be changed to "reasonable practitioner" on page 9, line 19.

Ms. Marks clarified that this bill would allow licensed out-of-state practitioners to come to California and register either before or after a disaster. It would also allow them to practice within the scope of licensure of their licensing state and within the scope of practice in California.

It was M(Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response)/C to accept the Ad Hoc Committee on Facilitating Psychologists' Participation in Disaster Response's report and recommendations.

VOTE: 6 – 0

Agenda Item #16 – Ad Hoc Committee on Prescription Privileges

(a) Continued Discussion Regarding Prescriptive Authority

Dr. Graff reported that SB 993, the prescriptive privilege bill, is no longer in existence as there were not enough votes to carry the measure. CPA is no longer pursuing this bill, but the issue continues to be on a long-term agenda.

It was M(Ad Hoc Committee on Prescriptive Authority's report and recommendations.

VOTE: 6 – 0

Agenda Item #17 – Public Comment on Items Not on the Agenda

None.

Agenda Item #18 – Agenda Items for Future Meetings

Dr. Parelman requested that the APA model for predoctoral SPE be placed on the agenda for November.

It was M(Horn)/S(Graff)/C to adjourn the meeting.

The open session meeting adjourned at 10:30 a.m.

James L. McGhee
President

Date